



LOWER ELWHA KLALLAM TRIBE

ḥəḥ'əwə nax'sk'ayəm "Strong People"

2851 Lower Elwha Road
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Jim Jones
Assistant Administrator
Office of Chemical Safety and Pollution Prevention (OCSPP)
USEPA Headquarters
1200 Pennsylvania Avenue, N. W.
Mail Code: 7101M
Washington, DC 20460

RE: Request for Government-to-Government Consultation
Reassessment of PCB Use Authorizations

Dear Mr. Jones:

The Lower Elwha Klallam Tribe formally requests government-to-government consultation with EPA regarding the Reassessment of PCB Use Authorizations due to the inadequate consultation invitation provided previously. The consultation invitation and the January 2012 National Consultation phone calls on "Reassessment of PCB Use Authorizations" did not address key issues in the rulemaking or provide supporting materials.

The 2012 Consultation Plan specifically addressed the continued use and spills from PCB containing equipment and light ballasts. However, we have recently learned that the following issues that concern the health of our people and environment also fall under the proposed rule-making and were omitted from the 2012 Consultation Plan:

- use of the 50 ppm level for excluded PCB products (such as caulk, paint, dyes, pigments, and inks)
- use of non-liquid PCBs
- use and distribution in commerce of PCBs in porous surfaces
- marking of PCB articles in use; or
- reassessment of the definitions of "excluded manufacturing process", "quantifiable level/level of detection", and "recycled PCBs"

EPA's TSCA rules and regulations play an important role in limiting the release of toxic chemicals into the

environment and it is essential that consultation with tribes on rulemaking that can impact tribal exposure to contaminants be thorough and broad in scope. Rulemaking and policy decisions on persistent organic chemicals such as polychlorinated biphenyls (PCBs) are of key importance in Indian Country and need to be meaningfully addressed through the consultation process. Therefore, we would like EPA to provide information or proposed alternatives to the issues that pose immediate concern to the health of our people and environment. This will allow The Lower Elwha Klallam tribe an opportunity to provide meaningful input on the rulemaking prior to EPA formalizing the rule for public comment.

To coordinate the consultation, please contact Larry Dunn (360 452-8471 ext. 7428).

Sincerely,

A handwritten signature in cursive script, appearing to read "Frances S. Charles".

Frances Charles Tribal Chair, Lower Elwha Klallam Tribe

cc

Wendy Cleland-Hamnett, Director, EPA Office of Pollution Prevention and Toxics
(OPPT)

JoAnn Chase, Director, American Indian Environmental Office

Caren Robinson, OCSPP Tribal Consultation Advisor

Nancy Stoner, Acting Assistant Administrator, EPA Office of Water